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Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554

Federal Communications Commission
Office of Secretary

Received

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Common Carrier Bureau
Network Service Division
Office of the Chief

In the Matter of

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Petition of California Public Utilities
Commission And Of The People of
California for Delegation of Additional
Authority

NSD File No. L-98-136

CC DOCKET: 96-98

**COMMENTS OF
THE PUBLIC UTILITY COMMISSION OF TEXAS**

On April 23, 1999, the California Public Utilities Commission (CPUC) filed a petition requesting the Federal Communications Commission (FCC or Commission) to authorize the CPUC to implement number conservation measures.

In a notice¹ issued on May 14, 1999, the Common Carrier Bureau (Bureau) sought comment on the CPUC petition. Comments on these petitions are due on June 14, 1999 and reply comments are due on June 28.

The Public Utility Commission of Texas ("PUCT") files the following comments in support of the CPUC petition.

I. BACKGROUND

The impetus for the CPUC petition is the FCC's September 28, 1998, Memorandum Opinion and Order and Order on Reconsideration ("PA Order")² regarding the July 15, 1997 Pennsylvania Public Utility Commission ("Pennsylvania Commission") order concerning specific area code relief measures undertaken for four Pennsylvania NPAs. In the PA Order, the FCC held that state commissions were precluded from ordering the return of NXX codes in the

¹ Common Carrier Bureau Seeks Comment on the Florida Public Service Commission's Petition for Authority to Implement Number Conservation Measures (rel. April 15, 1999) NSD File No. L-99-33.

² Memorandum Opinion and Order and Order on Reconsideration (PA Order), NSD File No. L-97-42 and CC Docket No. 96-98, September 28, 1998.

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The PUCT, like the CPUC, has sought to conserve numbering resources in a variety of ways. Number conservation measures utilized by the PUCT include rate center consolidation, voluntary NXX code give back, expanded local calling area (ELCA) for wireless, sequential number assignment and a virtual number pooling trial. These measures are discussed in more detail in the PUCT's Petition for Reconsideration of the PA Order⁷ and the PUCT's comments on the North American Numbering Council Report Concerning Telephone Number Pooling and Other Optimization Methods (NANC Report)⁸, both of which are incorporated herein by reference. State-initiated number conservation measures such as those discussed above and those proposed in the CPUC petition, can and should continue to play a significant role in advancing the industry toward more efficient number utilization in the years ahead.

The CPUC requests FCC authority to implement a mandatory number pooling trial, order efficient number use practices within NXX codes, to hear and address requests from individual carriers for assignment of codes outside the NXX code rationing process, order carriers to return unused NXX codes to the code administrator, order carriers to return unused or underutilized portions of NXX codes to the pooling administrator, when one is selected. The PUCT concurs with this request.

II. DISCUSSION

CPUC Petition

In its petition, the CPUC requests authority from the FCC to implement certain number conservation measures.⁹ These measures are all legitimate, reasonable number conservation measures that state commissions should have the authority to implement at their discretion. While the PUCT may not choose to implement all of these measures in Texas, it supports CPUC's right to decide which conservation measures are appropriate for the particular circumstances in California. The CPUC has provided adequate support for implementation of the requested measures and they should be approved by the FCC. More broadly, the FCC could use the CPUC petition as an opportunity to reverse its Pennsylvania order, and grant California and all other states the authority to implement number conservation measures without FCC review or intervention. Previous petitions by the regulatory bodies in New York, Massachusetts, and Florida

⁷ *Id.* at 6-10.

⁸ On October 21, 1998, the NANC submitted a report to the Chief of the Common Carrier Bureau ("Bureau") entitled "Number Resource Optimization Group Modified Report to the North American Numbering Council on Number Optimization Methods" ("NANC Report"). On November 6, 1998, the Bureau issued a public notice requesting comments on the NANC Report. The PUCT submitted comments on the NANC Report on December 21, 1998. *Comments of the Public Utility Commission of Texas on the North American Numbering Council Report Concerning Telephone Number Pooling and Other Optimization Methods*, ("PUCT Comments") NSD File No. L-98-134.

⁹ CPUC Petition at 1 and 2.